

REMARKS

This is intended as a full and complete response to the Office Action dated June 1, 2009, having a shortened statutory period for response set to expire on September 1, 2009. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-23 are pending in the application. Claims 1, 2, and 4-23 remain pending following entry of this response. Claim 3 has been canceled. Claims 1, 20, and 21 have been amended. Applicants submit that the amendments do not introduce new matter.

Further, Applicants are not conceding in this application that those amended claims are not patentable over the art cited by the Examiner, as the present claim amendments are only for facilitating expeditious prosecution of the claimed subject matter. Applicants respectfully reserve the right to pursue these pre-amended, canceled, and/or other claims in one or more continuations and/or divisional patent applications.

Claim Rejections - 35 U.S.C. § 102

Claims 1-23 are rejected under 35 U.S.C. § 102(b) as being anticipated by *Han et al.* (U.S. Patent No. 6,774,646, hereinafter, "*Han*"). Applicants respectfully traverse this rejection.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Han does not disclose or suggest "each and every element as set forth in the claim." For example, *Han* does not anticipate or suggest "an extraction member for extracting the plurality of charged particle beams...[and] an electrode unit for accelerating the plurality of charged particle beams" as recited in amended independent claim 1. Similarly, *Han* does not anticipate or suggest

“providing a second potential to an extraction member so that the plurality of particle beams are extracted...[and] providing a third potential to one electrode unit such that the plurality of charged particle beams are accelerated” as recited in amended independent claim 20.

In contrast with acceleration, *Han* teaches deceleration of an electron beam. For example, *Han* teaches with respect to FIG. 2 that a “second electrode, identified as deceleration electrode 205, is placed between the extraction electrode 204 and the sample 210 to decelerate the electrons in the incident electron beam. The electron energy in this embodiment may be decelerated to approximately 1 keV” (col. 5 lines 24-28). FIG. 3 offers another example, illustrating an extraction electrode 310, a deceleration electrode 312, and a retarding electrode 318. “The retarding electrode 318 decelerates the electron beam prior to the beam striking the wafer 320” (col. 6 lines 1-2). FIG. 5 of *Han* “illustrates that at location 502, the electron beam at the location of the extraction electrode has a potential of 6 kV. At the location of the deceleration electrode, as shown at point 504, the potential is reduced to 4 kV. By the time the impinging electrons strike the sample at the wafer plane, illustrated by point 506, the retarding field has reduced the energy to approximately 1 kV” (col. 7 lines 4-12). Thus, *Han* teaches deceleration of the electron beam, which does not teach or suggest accelerating charged particle beams.

Accordingly, Applicants submit that independent claims 1 and 20, as well as claims dependent therefrom, are allowable and respectfully request withdrawal of this rejection.

Application No. 10/564,752
Amendment dated August 26, 2009
Reply to Office Action of June 1, 2009

Docket No.: 1413.023718 (ZIMR/0028)

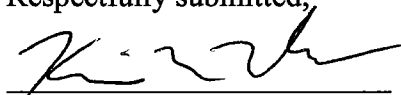
Conclusion

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Dated: August 26, 2009

Respectfully submitted,

By:



Keith M. Tackett
Registration No.: 32,008
PATTERSON & SHERIDAN, LLP
3040 Post Oak Blvd, Suite 1500
Houston, Texas 77056
(713) 623-4844
Attorney for Applicants